

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 19, 2002

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

Each of the following:

B142236 People v. Kenneth C. Crandell
B153078 In re Crandell on Habeas Corpus
B144352 Co. of Los Angeles v. Frontier Pacific Ins.
B142762 People v. Moreland
B145548 People v. Johnson
B146452 People v. Gonzalez
B146787 People v. Williams
B147182 People v. Prado
B148350 People v. Caver
B148705 People v. Salazar
B149059 People v. Figueroa et al.
B149190 People v. Smith
B149218 People v. Hooks
B149281 People v. Chism
B149927 People v. Paredes
B149980 People v. Bettancourt
B150061 People v. Wells
B151088 People v. Jimenez
B151682 People v. Beavers
B152026 People v. Anderson
B152192 People v. Victor G.
B152272 People v. Albert H.
B155363 Maria v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B149988 People v. Wishum
B156434 In re Wishum on Habeas Corpus

Merits:

Argued by Cynthia Barnes for appellant and by Alene M. Games, deputy attorney general, for respondent. Cause submitted.

B152806 Minkovsky et al.
 v.
 Felger et al.

Merits:

Argued by Philip Dapeer for appellants and by Michele Saadeh for respondents. Cause submitted.

Mallano, J. leaves the bench.

B152079 Gamble
 v.
 Dept of Water & Power et al.

Merits:

Argued by Lisa Berger, deputy city attorney, for appellants and by John R. Blanchard for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Mallano, J. returns to the bench.

B152406 County of Los Angeles Sheriff's Dept.
 v.
 Superior Court, Los Angeles County
 (Young, r.p.i.)

Merits:

Argued by Raymond J. Fuentes for petitioner and by Felician Kahn Grant for real party in interest. Cause submitted.

DIVISION ONE (Continued)

B150892 People
 v.
 Okezie

Merits:

Argued by Peter Morris for appellant and by Thomas C. Hsieh, deputy attorney general, for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Mallano, J. leaves the bench.

B147198 People
 v.
 Madrid

Merits:

Argued by Manuel Lopez for appellant and by Rama R. Maline, deputy attorney general, for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

Mallano, J. returns to the bench.

Vogel (Miriam A.), J. leaves the bench.

B149322 / Kong
B146142 v.
 City of Hawaiian Gardens Redevelopment Agency et al

Merits:

Argued by Anthony P. Parrille for appellant and by M. Lois Bobak for respondents. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

Court adjourned.

DIVISION TWO

B152617 People
v.
Worsham

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B146553 People (Not for Publication)
v.
Cerda et al.

The judgment as to Cerda is modified to strike the one-year enhancement under section 667.5, subdivision (b), and, as so modified affirmed.

The judgment as to Ramirez is modified to reflect presentence custody credit consisting of 596 days of actual custody and 298 days of good time/work time credit for a total of 894 days of presentence custody credit, and, as so modified, affirmed.

The clerk of the superior court is directed to forward copies of the modified abstracts to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B151211 Fran W. and Arthur W. (Certified for Publication)

v.

Terry W.

Guardianship of Melissa W., a minor

The order to show cause is discharged. Father's motion to dismiss the appeal is granted and the appeal is dismissed. Father shall recover costs on appeal. In addition Melodye S. Hannes and Richard A. Marcus are directed to pay father \$13,004 as sanctions for prosecuting a frivolous appeal. The matter is referred to the State Bar for investigation. In that the dismissal is "based in whole or in part on the misconduct, incompetent representation, or willful misrepresentation of an attorney"(Bus. & Pro. Code, sec. 6086.7 subd.(b)), and because sanctions exceed \$1,000.00 (Bus. & Prof. Code, sec. 6086.8subd.(c)), the clerk of this court is directed forthwith to send a copy of this opinion to the State Bar.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B151090 People (Not for Publication)

v.

Rosales

The conviction is affirmed; the sentence is vacated and the case is remanded to the trial court for resentencing in accordance with this opinion.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

March 19, 2002-Continued

DIVISION FOUR

B151617 People (Not for Publication)
v.
Ian McBee

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B144960 Sherry Crawford & Robert Crawford (Not for Publication)
v.
Law Offices of Calvin Spann, et al.

The judgment against Spann is reversed and the order striking Spann's answer is vacated. Spann is to bear his own costs on appeal.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B146316 Alcatel Internetworking, Inc.
v.
Internet Machines Corporation

Filed order denying petition for rehearing.

March 19, 2002-Continued

DIVISION SIX (Continued)

B149255 People (Not for Publication)
v.
Rodriguez

The judgment (order denying motion to withdraw plea) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B149028 People (Not for Publication)
v.
Marks

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B147856 Luvisi (Not for Publication)
v.
Safeway, Inc.

The judgment is affirmed. Each party to bear their own costs.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B146768 County of Los Angeles (Not for Publication)
v.
Michael F.

The order dismissing this action is reversed and the cause is remanded for trial. At the trial the court shall determine the admissibility of the blood tests of Michael, Salvador and Adrian in accordance with the rules applicable to such evidence. Appellant is awarded its costs on appeal. The order dismissing this action is reversed and the cause is remanded for trial. At the trial the court shall determine the admissibility of the blood tests of Michael, Salvador and Adrian in accordance with the rules applicable to such evidence. Appellant is awarded its costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B149851 Copeland (Certified for Publication)
v.
Baskin Robbins U.S.A.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Perluss, J.

DIVISION SEVEN (Continued)

B146794 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B150254 People (Not for Publication)
v.
Zoie Y., a minor

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.
Perluss, J.

B143200 County of Los Angeles (Not for Publication)
v.
Thomas

The order denying Thomas's motion to "vacate improper reconsideration" is affirmed. Because Thomas is proceeding in forma pauperis we order each party to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Perluss, J.

DIVISION SEVEN (Continued)

B147539 Kroupa and Kroupa (Not for Publication)
 v.
 Sunrise Ford

The judgment is reversed. The trial court is ordered to vacate that portion of the judgment finding respondents to be the prevailing parties. The cause is remanded for retrial in accordance with the views expressed herein. Appellant and respondents to bear their own costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Perluss, J.

B136865 People (Not for Publication)
 v.
 David S., a minor

The 25-year-to-life Penal Code section 12022.53, subdivisions (e) firearm use enhancement is reversed. The court failed to exercise its discretion to determine if the offense of street terrorism was properly a felony or misdemeanor. The cause is remanded to permit the juvenile court to exercise its discretion to determine if the offense is a felony or misdemeanor and for the court to recalculate the maximum theoretical period of confinement. In all other respects, the order under review is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B152892 People
 v.
 Choules

Filed order denying petition for rehearing.

DIVISION EIGHT

B148626 National American Insurance Company (Not for Publication)
 v.
 Wanda Arutiunian et al.

The judgment of the trial court is affirmed. Respondents are awarded their costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B150792 Stephen E. O'Brien (Not for Publication)
 v.
 Cal Poly Foundation, Inc., et al.

The judgment of dismissal as to the first and second causes of action is reversed. In all other respects, the judgment is affirmed. Each party is to bear his or its own costs on appeal.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.